

CHILD NUTRITION PROGRAM STATE WAIVER REQUEST TEMPLATE

Child Nutrition Programs are expected to be administered according to all statutory and regulatory requirements; waivers to the requirements are exceptions. However, Section 12(l) of the Richard B. Russell National School Lunch Act, 42 U.S.C. 1760(l), provides authority for USDA to waive requirements for State agencies or eligible service providers under certain circumstances. When requesting the waiver of statutory or regulatory requirements for the Child Nutrition Programs (CNP), including the Child and Adult Care Food Program (CACFP), the Summer Food Service Program (SFSP), the National School Lunch Program (NSLP), the Fresh Fruit and Vegetable Program (FFVP), the Special Milk Program (SMP), and the School Breakfast Program (SBP), State agencies and eligible service providers should use this template. State agencies and eligible service providers should consult with their FNS Regional Offices when developing waiver requests to ensure a well-reasoned, thorough request is submitted. State agencies and eligible service providers are encouraged to submit complete waiver requests at least 60 calendar days prior to the anticipated implementation date. Requests submitted less than 60 calendar days prior to the anticipated implementation should be accompanied by an explanation of extenuating circumstances.

For more information on requests for waiving Program requirements, refer to SP 15-2018, CACFP 12-2018, SFSP 05-2018, *Child Nutrition Program Waiver Request Guidance and Protocol- Revised*, May 24, 2018.

1. State agency submitting waiver request and responsible State agency staff contact information:

Oregon Department of Education
Child Nutrition Programs
Lynne Reinoso
Manager, Community Nutrition Programs
255 Capitol Street NE
Salem, OR 97310
lynne.reinoso@state.or.us

2. Region: Western Region

3. Eligible service providers participating in waiver and affirmation that they are in good standing:

Statewide waiver request for all participating SFSP Sponsoring Organizations in good standing.

4. Description of the challenge the State agency is seeking to solve, the goal of the waiver to improve services under the Program, and the expected outcomes if the waiver is

granted. [Section 12(I)(2)(A)(iii) and 12(I)(2)(A)(iv) of the NSLA]:

The Oregon Department of Education Child Nutrition Programs (ODE CNP) is requesting a statewide waiver for the SFSP flexibility that was rescinded by FNS on October 11, 2018 as part of SFSP 01-2019. The flexibility is included within [SFSP Summer Food Service Program \(SFSP\) Waiver for Closed Enrolled Sites](#), November 17, 2002 and extended area eligibility to closed enrolled sites. This waived the statutory provision of Section 13(a)(1)(A)(i)(III) of the NSLA, 42 USC 1761(a)(1)(A)(i)(III), and the regulatory definition of closed enrolled sites, which required eligibility determinations to be made by submitting applications in accordance with 7 CFR 225.15(f). Under this waiver, closed enrolled sites could be determined eligible if located in areas where 50 percent of the children residing in the area are eligible for free and reduced-price meals under the National School Lunch Program and School Breakfast Program.

In the past, and also in FFY2019 this FNS waiver has benefitted Oregon SFSP sponsors by help them to efficiently operate the SFSP in a more cost-effective manner due to decreased labor costs directly related not being required to collect and/or make income eligibility determinations for children located in areas already deemed needy based on area eligibility. Continuation of this flexibility will allow children to have greater access to SFSP meals. Also, ODE CNP to focus its resources on providing targeted technical assistance regarding program operations and meal quality to sponsoring organizations and will not have costs associated with the CNPweb database changes required by the waiver. SFSP sponsors will also be able to focus resources on other areas of operations such as meal quality, outreach, and effective procurement to increase access to higher quality meals.

5. Specific Program requirements to be waived (include statutory and regulatory citations). [Section 12(I)(2)(A)(i) of the NSLA]:

ODE CNP is requesting a waiver to extend the use of area eligibility to closed enrolled sites operating in needy areas where 50 percent or more of the children residing in the area are eligible for free and reduced price meals under the National School Lunch Program and School Breakfast program, thereby waiving the requirement that individual eligibility determinations be made by submitting and approving applications.

Section 13(a)(1)(A)(i)(III) of the NSLA an area— (aa) for which the program food service site documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and (bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this Act and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

42 USC 1761(a)(1)(A)(i)(III) an area— (aa) for which the program food service site

documents the eligibility of enrolled children through the collection of income eligibility statements from the families of enrolled children or other means; and (bb) at least 50 percent of the children enrolled at the program food service site meet the income standards for free or reduced price school meals under this chapter and the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.);

7 CFR 225.15(f) Application for free Program meals—(1) Purpose of application form. The application is used to determine the eligibility of children attending camps and the eligibility of sites that are not open sites as defined in paragraph (a) of the definition of “areas in which poor economic conditions exist”, in §225.2. In these situations, parents or guardians of children enrolled in camps or these other sites must be given application forms to provide information described in paragraph (f)(2) or (f)(3) of this section, as applicable. Applications are not necessary if other information sources are available and can be used to determine eligibility of individual children in camps or sites.

6. Detailed description of alternative procedures and anticipated impact on Program operations, including technology, State systems, and monitoring:

Any site located in an area in which at least 50% of the children are from households eligible for free/reduced price meals will be eligible for SFSP reimbursement for all meals served to eligible children, regardless of whether the sites serves an identified group of children or is open to the community.

7. Description of any steps the State has taken to address regulatory barriers at the State level. [Section 12(l)(2)(A)(ii) of the NSLA]:

Previously, ODE CNP has not needed to address any regulatory barriers as these flexibilities were in place, including FFY 2019.

8. Anticipated challenges State or eligible service providers may face with the waiver implementation:

ODE CNP does not anticipate these waivers will present any challenges to the SA or SFSP sponsors because these flexibilities have already been implemented and are in place. In fact, this waiver will decrease the challenges faced by SFSP sponsors and will increase access to health summer meals.

The challenges ODE CNP and SFSP sponsors may face if the waiver is not approved include:

- Increased costs to ODE CNP to update the online software system to bring into compliance with the waiver rescission, including applications and claims
- Increased burden to update training materials, monitoring materials re-train sponsors and staff, and monitor compliance for the rescinded flexibility

- Increased administrative labor costs for SFSP sponsor staff in collecting and/or making income eligibility determinations for children located in areas already deemed needy based on area eligibility.

9. Description of how the waiver will not increase the overall cost of the Program to the Federal Government. If there are anticipated increases, confirm that the costs will be paid from non-Federal funds. [Section 12(I)(1)(A)(iii) of the NSLA]:

ODE CNP does not anticipate this waiver will increase the overall cost of the program to the Federal government because the prior waiver has been in practice for a number of years. The waiver will continue to assist the SFSP sponsors and ODE CNP to streamline and control SFSP costs.

10. Anticipated waiver implementation date and time period:

To be effective with the start of FY 2020.

11. Proposed monitoring and review procedures:

ODE CNP will continue to follow standard SFSP review procedures. Sponsors found to have non-compliance issues as related to this waiver will work with the state agency on an individualized corrective action plan and will have follow-up reviews scheduled as needed.

12. Proposed reporting requirements (include type of data and due date(s) to FNS);

ODE CNP will report to FNS any compliance issues noted with this flexibility during the approvals and reviews by October 1 each year.

13. Link to or copy of the public notice informing the public about the proposed waiver [Section 12(I)(1)(A)(ii) of the NSLA]: To be posted by 12/27/19

<https://www.oregon.gov/ode/students-and-family/childnutrition/sfsp/Pages/default.aspx>

14. Signature and Title of requesting official:



Name: Lynne Reinoso

Title: Manager, Community Nutrition Programs, ODE CNP

Email address for transmission of response: lynne.reinoso@state.or.us

TO BE COMPLETED BY FNS REGIONAL OFFICE:

FNS Regional Offices are requested to ensure the questions have been adequately addressed by the State agency and formulate an opinion and justification for a response to the waiver request based on their knowledge, experience and work with the State.

Date request was received at Regional Office:

- Check this box to confirm that the State agency has provided public notice in accordance with Section 12(I)(1)(A)(ii) of the NSLA**

- **Regional Office Analysis and Recommendations:**